

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:10-cr-00067-MR-WCM-1**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                           **O R D E R**  
                                )  
RYAN MITCHELL DSCHAK,    )  
                                )  
Defendant.                 )  
                                )

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**THIS MATTER** is before the Court on the Defendant's letter, which the Court construes as a motion for reconsideration of its Order denying the Defendant's motion for a release of detainer. [Doc. 114].

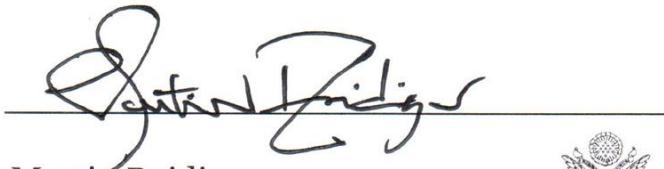
The Defendant previously filed a motion seeking to challenge a detainer lodged against him by the State of North Carolina. [Doc. 86]. On August 13, 2021, the Court entered an Order denying the Defendant's motion without prejudice, noting that before the Defendant could seek federal habeas relief with regard to a state detainer, he must first exhaust his state court remedies. [Doc. 113]. The Defendant now moves for reconsideration of that Order. [Doc. 114].

Upon review of the Defendant's motion, the Defendant's request for reconsideration is denied. The Defendant cannot challenge the imposition of a state detainer in this closed criminal proceeding. If he wishes to pursue such a challenge, he must first fully exhaust his state remedies. Upon exhaustion of such remedies, he may then file a federal habeas action. See Gibbs v. Daisy, No. 1:06CV108, 2007 WL 2694491, at \*3 (M.D.N.C. Sept. 11, 2007).

**IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a motion for reconsideration [Doc. 114], is **DENIED**.

**IT IS SO ORDERED.**

Signed: September 13, 2021



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Martin Reidinger  
Chief United States District Judge

